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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by Margery)	CIVIL NO. 94-1896-05 (GCN)
S. Bronster, Its Attorney)	(Other Civil Action)
General, and LAWRENCE MIIKE,)	
M.D., Director of Health,)	MODIFICATION NO. 1 TO CONSENT
State of Hawaii,)	DECREE AND ORDER FILED ON
)	MARCH 2, 1998; ORDER
Plaintiffs,)	
)	
vs.)	
)	
CITY & COUNTY OF HONOLULU,)	
)	
Defendant.)	
)	

MODIFICATION NO. 1 TO CONSENT DECREE AND ORDER
FILED ON MARCH 2, 1998

Pursuant to Section 17 of the Consent Decree and Order filed
on March 2, 1998, in Civil No. 94-1896-05, State of Hawaii,
et al. vs. City and County of Honolulu, the parties, through

their respective counsel, hereby modify said Consent Decree as follows:

1. The first paragraph of Section 8.A. shall be deleted and replaced with the following:

"Not later than August 31, 2001, the City shall complete construction of a system to reclaim the wastewater from the Wahiawa Wastewater Treatment Plant, now about 2.0 mgd (reclamation system). Said reclamation system shall include the use of a deep outfall for the continuous discharge of reclaimed water.

Not later than October 31, 2001, the City shall complete its testing and acceptance of the reclamation system using reclaimed water through the deep outfall. The City shall begin operation of the reclamation system promptly after DOH issues the City a new NPDES permit for the plant."

2. Section 9.D. shall be deleted and replaced with the following:

"The requirements contained in Sections 9.A, 9.B, and 9.C shall automatically terminate on the date DOH issues the City a new NPDES Permit for the plant and said permit becomes effective."

3. Add the following new subsection to Section 23:

"E. In the event that DOH is not able to issue the City a new NPDES permit for discharges to the Reservoir, this Consent Decree shall become null and

void. The parties shall then agree to enter into a new consent decree with terms and conditions that are mutually acceptable to the parties."

4. Exhibit A, Paragraph 1 shall be deleted and replaced with the following:

"\$17,500 for the Wahiawa Public Fishing Area to be applied as follows:

a. 25 hp Evinrude Outboard engine (electric start, long leg), estimated at \$3,000;

b. 15 hp Evinrude Outboard engine (tiller, short leg), estimated at \$2,000;

c. HYDROLAB DataSonde 4a Multiprobe and Surveyor 4a Data Display with HYDROLAB carrying case calibration solutions, estimated at \$9,500;

d. HACH Portable Turbidimeter, estimated at \$1,000;

e. Atlantis Underwater Video System, estimated at \$1,500; and

f. Fishfinder, estimated at \$500.

If the above items cost less than budgeted above, the surplus funds will be applied to supplies for the Wahiawa Public Fishing Area only. The above items will be owned and operated by the State Department of Land and Natural Resources."

5. Exhibit A, Paragraph 5 shall be deleted and replaced with the following:

"If item 3 costs less than budgeted above, the surplus funds will be applied to supplement items 2 or 4 or both."

It is further agreed that, except for the modifications set forth herein, all other provisions of the Consent Decree and Order shall remain in full force and effect.

DATED: Honolulu, Hawaii, _____

STATE OF HAWAII

By _____
EARL I. ANZAI
Attorney General of Hawaii

By _____
BRUCE ANDERSON, Ph.D.
Director of Health
State of Hawaii

DATED: Honolulu, Hawaii, _____ .

CITY AND COUNTY OF HONOLULU

By _____
JEREMY HARRIS
Mayor

By _____
TIMOTHY STEINBERGER
Deputy Director
Department of Environmental
Services

APPROVED AS TO FORM:

LAURENCE K. LAU
Deputy Attorney General

MAILE R. CHUN
Deputy Corporation Counsel